

**"CRN Day" – THURSDAY, MAY 29, 2014**

**BUSINESS MEETING – FRIDAY, MAY 30, 8:15 in BOARD ROOM 3 – BYO/BRING SOME BREAKFAST ☺  
(SEE PAGE 11 FOR NON-CRN PANELS ON JURIES AND LAY PARTICIPATION)**

**SUMMARY OF CRN DAY:**

<b>Time</b>	<b>Title</b>	<b>Type</b>
Thu, 5/29 8:15 AM - 10:00 AM	<a href="#"><u>CRN4 &amp; CRN33 co-sponsored panel: New Developments in Japan's Saiban-in System</u></a>	Paper Session
Thu, 5/29 10:15 AM - 12:00 PM	<a href="#"><u>CRN4 Roundtable: 50 Years of Research on Juries and Lay Participation in Law</u></a>	Roundtable Session
Thu, 5/29 12:45 PM - 2:30 PM	<a href="#"><u>CRN33 Lay Participation and Legal Reform in East Asia -- Co-Sponsored by CRN4 -- Lay Participation in Legal Systems</u></a>	Paper Session
Thu, 5/29 12:45 PM - 2:30 PM	<a href="#"><u>CRN4: New Directions in Research on Juries and Lay Participation</u></a>	Paper Session
Thu, 5/29 2:45 PM - 4:30 PM	<a href="#"><u>CRN4: The Lives of Jurors: Experience, Commonsense and the Boundaries of Extra-legal Bias</u></a>	Paper Session
Thu, 5/29 4:45 PM - 6:30 PM	<a href="#"><u>(CRN4: Lay Participation in Legal Systems) Integrating Target and Actor Effects: How Juror and Defendant Race, Ethnicity, and Culture Influence Legal Outcomes</u></a>	Paper Session

**DETAILS:**

**CRN4 & CRN33 co-sponsored panel: New Developments in Japan's Saiban-in System**

**Thu, 5/29: 8:15 AM - 10:00 AM**

0545

Paper Session

Thursday Session 1

Hilton Minneapolis

Room: DR room 1

Participants will discuss recent developments and prospects for change in Japan's lay judge system.

## **Chair**

*Jay Klaphake*, Kyoto University of Foreign Studies - [Contact Me](#)

## **Discussant**

*Valerie Hans*, Cornell Law School - [Contact Me](#)

## **Keywords**

THE FORMAL LEGAL SYSTEM

## **Presentations**

**Fact-finding Method of Judges and Saiban-in: Whether or not Basic Principles of Criminal Trials Survives in Saiban-in System**

### **Presenter**

*Takashi Maruta*, Kwansai Gakuin University Law School - [Contact Me](#)

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**How to Change the Trial for Understanding Easily in Saiban-in System**

### **Presenter**

*Takeshi Nishimura*, Osaka Bar Association - [Contact Me](#)

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**Japan's Lay Judge System: Expectations, Accomplishments, Shortfalls, and Possible Expansion**

### **Presenter**

*Matthew Wilson*, University of Wyoming -- Law School - [Contact Me](#)

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**Possibility of Introduction of Court Monitor System in Japan: Centering around the Court Monitor Reports in Kyoto District Court**

### **Presenter**

*Harumi Takebe*, Kyoto prefectual university - [Contact Me](#)

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## Psychological Insights on Bifurcated Process in Japanese Lay Judge Trial

### Presenter

Masahiko Saeki, Chiba University - [Contact Me](#)

### Non-Presenting Co-Author

Eiichiro Watamura, Keio University / Japan Society for Promotion of Science - [Contact Me](#)

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## Saiban-in System and Japan's Capital Punishment: How Capital Punishment is Going under Lay Judge System

### Presenter

Satoru Shinomiya, Kokugakuin University Law School - [Contact Me](#)

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## CRN4 Roundtable: 50 Years of Research on Juries and Lay Participation in Law

Thu, 5/29: 10:15 AM - 12:00 PM

0649

Roundtable Session

Thursday Session 2

Hilton Minneapolis

Room: DR room 1

In this roundtable, participants will reflect on the past 50 years of research and political developments related to juries and other forms of lay legal decision making.

### Chair/Discussant

Valerie Hans, Cornell Law School - [Contact Me](#)

## **Participant(s)**

*Paula Hannaford-Agor*, National Center for State Courts - [Contact Me](#)

*Sanja Kutnjak Ivkovich*, Michigan State University - [Contact Me](#)

*Stephan Landsman*, Depaul University College of Law - [Contact Me](#)

*Richard Lempert*, University of Michigan - [Contact Me](#)

*Nancy Marder*, IIT Chicago-Kent College of Law - [Contact Me](#)

*Neil Vidmar*, Duke Law School - [Contact Me](#)

## **Keywords**

THE FORMAL LEGAL SYSTEM

## **CRN33 Lay Participation and Legal Reform in East Asia -- Co-Sponsored by CRN4 -- Lay Participation in Legal Systems**

**Thu, 5/29: 12:45 PM - 2:30 PM** (NOTE: CONFLICTS WITH NEXT CRN4 PANEL)

0688

Paper Session

Thursday Session 3

University of St. Thomas

Room: MSL 334

Lay Participation and Legal Reform in East Asia

## **Chair**

*Yukiko Koga*, Hunter College – CUNY - [Contact Me](#)

## **Discussant**

*Rob Lefflar*, University of Arkansas Law School - [Contact Me](#)

## **Keywords**

ACCESS TO JUSTICE

LAW AND INEQUALITY

## **Presentations**

### **Lay Judges and Reform in Japanese Criminal Justice**

#### **Presenter**

*David T. Johnson*, University of Hawaii - [Contact Me](#)

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### **People's Grand Jury Panels v. Corporate Goliath: Effectiveness of People's Supervisors System in China**

#### **Presenter**

*Hiroshi Fukurai*, University of California Santa Cruz - [Contact Me](#)

#### **Non-Presenting Co-Author**

*Zhuoyu Wang*, Southwest University of Finance and Economics of China - [Contact Me](#)

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### **To be suspended or not to be?: The effects of explanation of probation and personality variables on lay people's judgment of suspension of punishment.**

#### **Presenter**

*Masahiro Fujita*, Kansai University - [Contact Me](#)

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### **What the Lay Judge System Can Do for the New Era of the Criminal Justice in Japan- A Comparative Study of Sex Crime Trials with Lay People Participation in Japan and the US.**

#### **Presenter**

*Mari Hirayama*, Hakuoh University - [Contact Me](#)

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## **CRN4: New Directions in Research on Juries and Lay Participation**

**Thu, 5/29: 12:45 PM - 2:30 PM** (NOTE CONFLICT WITH PRECEDING CRN4/CRN33 PANEL)

0826

Paper Session

Thursday Session 3

Hilton Minneapolis

Room: DR room 1

This paper session brings together scholars who are working at the cutting edge of research on juries and lay participation in law.

### **Chair**

*Mary Rose*, University of Texas - [Contact Me](#)

### **Discussant**

*Sanja Kutnjak Ivkovich*, Michigan State University - [Contact Me](#)

### **Keywords**

THE FORMAL LEGAL SYSTEM

### **Presentations**

**Can jury trials as a form of public participation change severity of criminal justice system in new democracies? Giving prognosis on criminal justice system of Azerbaijan based on the Russian jury trial practice.**

### **Presenter**

*Nazim Ziyadov*, Cornell University Law School - [Contact Me](#)

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### **Civil Justice: Lay Judges in the EU countries**

### **Presenter**

*Stefan Machura*, Bangor University - [Contact Me](#)

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## **Legal Habitus And Social Legitimization : Lay Participation To Labor Tribunals in French prud'homme**

### **Presenter**

*Laurent Willemez*, University Versailles - [Contact Me](#)

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## **Why is Killing a Female Worse than Killing a Male?: Victim Gender and the Death Penalty in Delaware**

### **Presenter**

*Caisa Royer*, Cornell University - [Contact Me](#)

### **Non-Presenting Co-Author(s)**

*John Blume*, Cornell Law School - [Contact Me](#)

*Theodore Eisenberg*, Cornell Law School - [Contact Me](#)

*Valerie Hans*, Cornell Law School - [Contact Me](#)

*Amelia Hritz*, Cornell University - [Contact Me](#)

*Martin Wells*, Cornell University - [Contact Me](#)

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## **“Jury Trials in the Artic: The Operational and Linguistic Challenges Created by Fly In Court Squads in Remote Communities” (Lay Participation CRN)**

### **Presenter**

*Marie Comiskey*, University of Toronto - [Contact Me](#)

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## **CRN4: The Lives of Jurors: Experience, Commonsense and the Boundaries of Extra-legal Bias**

**Thu, 5/29: 2:45 PM - 4:30 PM**

1141

Paper Session

Thursday Session 4 Hilton Minneapolis

Room: DR room 1

This panel will explore the role of the everyday ways that jurors understand and make sense of the world and events, including understandings based on their own experiences, as well as how court participants try to screen for and prevent perceived impermissible biases from affecting deliberations. We explore these issues through multiple research methods and at multiple points in the trial, including: How civil attorneys screen for bias (observational work); how jurors are instructed about bias (experimental work); the different results in death penalty cases decided by judges versus juries (archival research); and two papers from the Arizona Jury Project - which filmed and coded the actual deliberations of 50 real juries deciding civil cases - which explore the contours of jurors' use of knowledge from everyday life, both explicit appeals to personal experience and their assertions about commonsense and normative standards.

### **Chair**

*Mary Rose*, University of Texas - [Contact Me](#)

### **Keywords**

THE FORMAL LEGAL SYSTEM

### **Presentations**

**An Appeal to Fairness: Exploring the Race-Effect of Voir Dire Techniques in Civil Trials**

### **Presenter**

*Andrew Krebs*, University of Texas at Austin - [Contact Me](#)

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### **Domains of Personal Experience on Civil Juries**

### **Presenter**

*Mary Rose*, University of Texas - [Contact Me](#)



### **Non-Presenting Co-Author(s)**

*Shari Diamond*, Northwestern U Law School/American Bar Foundation - [Contact Me](#)

*Beth Murphy*, American Bar Foundation - [Contact Me](#)

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### **First, Do No Harm: A Study of an Implicit Bias Jury Instruction**

#### **Presenter**

*Jennifer Elek*, National Center for State Courts - [Contact Me](#)

#### **Non-Presenting Co-Author**

*Paula Hannaford-Agor*, National Center for State Courts - [Contact Me](#)

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### **The Death Penalty: Should the Judge or Jury Decide who Dies?**

#### **Presenter**

*Amelia Hritz*, Cornell University - [Contact Me](#)

#### **Non-Presenting Co-Author(s)**

*John Blume*, Cornell Law School - [Contact Me](#)

*Theodore Eisenberg*, Cornell Law School - [Contact Me](#)

*Valerie Hans*, Cornell Law School - [Contact Me](#)

*Sheri Johnson*, Cornell Law School - [Contact Me](#)

*Caisa Royer*, Cornell University - [Contact Me](#)

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### **Unpacking the Use of Common Sense on the Jury**

#### **Presenter**

*Shari Diamond*, Northwestern U Law School/American Bar Foundation - [Contact Me](#)

#### **Non-Presenting Co-Author(s)**

*Beth Murphy*, American Bar Foundation - [Contact Me](#)

*Mary Rose*, University of Texas - [Contact Me](#)

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## **CRN4: Lay Participation in Legal Systems. Integrating Target and Actor Effects: How Juror and Defendant Race, Ethnicity, and Culture Influence Legal Outcomes**

**Thu, 5/29: 4:45 PM - 6:30 PM**

1438

Paper Session

Thursday Session 5 - Hilton Minneapolis

Room: DR room 1

This session extends traditional discussions of target race effects on juror decision-making to consider the influence of race/ethnicity on jurors (actor effects). Included papers 1) explore the combined influence of juror, defendant, and eyewitness race in trials involving same-race and other-race identifications; 2) investigate jurors' perceptions of a cultural argument used to support an automatism defense and the role of ethnocentrism and religiosity; 3) compare the effects of defendant race on American and Canadian jurors to investigate differences stemming from the countries' varying racial histories; 4) study the effects of implicit racial bias in tort cases; and 5) examine how jury experiences vary across racial groups, reflecting differences in cultural orientation and communication style. The discussant will integrate the complex ways in which race and ethnicity can influence jurors' judgments, including target effects, actor effects, and interactions between the two.

### **Chair**

*Evelyn Maeder*, Carleton University - [Contact Me](#)

### **Discussant**

*Jennifer Hunt*, SUNY Buffalo State - [Contact Me](#)

### **Presentations**

#### **A Case of Culture: Ethnocentrism, Defendant Gender, and Juror Decision-Making**

### **Presenter**

*Susan Yamamoto*, Carleton University - [Contact Me](#)

### **Non-Presenting Co-Author**

*Evelyn Maeder*, Carleton University - [Contact Me](#)

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## **Crossing the Border: The Effects of Defendant Race on Canadian and American Jurors**

### **Presenter**

*Evelyn Maeder*, Carleton University - [Contact Me](#)

### **Non-Presenting Co-Author**

*Laura McManus*, Carleton University - [Contact Me](#)

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## **Implicit Racial Bias and Tort Decisions**

### **Presenter**

*Valerie Hans*, Cornell Law School - [Contact Me](#)

### **Non-Presenting Co-Author(s)**

*Jonathan Cardi*, Wake Forest University School of Law - [Contact Me](#)

*Gregory Parks*, Wake Forest University School of Law - [Contact Me](#)

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## **Juror Perceptions of Cross-Race Identifications: Combined Effects of Juror, Defendant, and Eyewitness Race**

### **Presenter**

*Laura McManus*, Carleton University - [Contact Me](#)

### **Non-Presenting Co-Author**

*Evelyn Maeder*, Carleton University - [Contact Me](#)

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## **Understanding the Effects of Race and Ethnicity on Jury Experiences and Deliberation Behavior: A Cultural Analysis**

### **Presenter**

*Jennifer Hunt*, SUNY Buffalo State - [Contact Me](#)

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**NON-CRN4-DESIGNATED – BUT STILL RELEVANT – PANELS  
(NOTE CONFLICTS WITH ABOVE PANELS)**

## **Juries and Lay Judges**

**Thu, 5/29: 8:15 AM - 10:00 AM (NOTE: CONFLICTS WITH CRN4/CRN33 PANEL)**

2750

Paper Session

Thursday Session 1

Hilton Minneapolis

Room: Symphony Ballroom I

The perceptions, legitimacy and ability of lay judges and juries to deal with complex cases and the contribution of citizen participation in the criminal justice system, even in the age of the "vanishing trial" are the subjects of the papers in this session. In addition to experiments with mock juries, the Taiwan and American experiences with juries and lay judges are discussed.

### **Chair/Discussant**

*Michael E. Antonio*, West Chester University of Pennsylvania - [Contact Me](#)

### **Keywords**

THE FORMAL LEGAL SYSTEM

## **Presentations**

### **Complexity and the Criminal Jury**

#### **Presenter**

*Andrea Roth*, UC Berkeley School of Law - [Contact Me](#)

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**The Strength of the Ox: Self-perception of professionalism and legitimacy among lay judges in the rural United States.**

#### **Presenter**

*Kristin Knudsen*, University of Alaska Anchorage - [Contact Me](#)

#### **Non-Presenting Co-Author**

Cory Lepage, University of Alaska Anchorage - [Contact Me](#)

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## **The Vital Role of Imagined Jurors in the Age of the Vanishing Trial**

### **Presenter**

Anna Offit, Princeton - [Contact Me](#)

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## **Empirical Studies on Civil Dispute Resolution: Jury on Lawyers, European Ombudman, Disaster ADR, Competitive Bidding Experts, and Civil Litigation Lawyers (Sponsored by CRN 10)**

**Sat, 5/31: 10:15 AM - 12:00 PM**

0785

Paper Session

Saturday Session 2

Hilton Minneapolis

Room: DR room 4

This session is sponsored by CRN 10 Civil Justice and Disputing Behavior. This session explores the dynamics of civil dispute resolution from empirical perspectives. The panelists will discuss such important and interesting topics as whether jurors are biased against legal malpractice defendants, what roles European Ombudsmen plays, whether Japan's ADR can resolve nuclear accident disputes, are rules more effective than standards in debiasing judgments by competitive bidding experts, and whether experience in practice of law improves the performance of lawyers in civil litigation. The methodologies are various, e.g., experimental research designs, qualitative studies, data analyses and court file evaluation by expert lawyers. We envision to enhance the understanding of civil dispute resolution in various settings.

### **Chair/Discussant**

Daniel H. Foote, The University of Tokyo - [Contact Me](#)

## **Keywords**

DISPUTES AND NEGOTIATION

THE FORMAL LEGAL SYSTEM

## **Presentations**

**"There Are Few Cases Around Here": Lawyers Responses to Nuclear Compensation and Structural Problems of the Japanese Legal System**

### **Presenter**

*Masayuki Murayama*, Meiji University - [Contact Me](#)

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**Debiasing by Law: Rules vs. Standards**

### **Presenter**

*Yoav Dotan*, Faculty of Law, Hebrew University Jerusalem - [Contact Me](#)

### **Non-Presenting Co-Author**

*Omer Dekel*, College for Law & Business, Ramat Gan - [Contact Me](#)

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**Fantasy and Forum: Adjudicating Claims in Judge Judy's Court**

### **Presenter**

*Alethea Sargent*, United States District Court for the Northern District of California - [Contact Me](#)

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**Mapping dispute behaviour in Europe: What role do public and private ombudsmen play?**

### **Presenter**

*Naomi Creutzfeldt*, University of Oxford - [Contact Me](#)

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**The First Thing We Do, Let's Screw All the Lawyers: Jury Hostility to Defendants in**

## Legal Malpractice Trials

### Presenter

*Herbert Kritzer*, University of Minnesota Law School - [Contact Me](#)

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## The Quality of Legal Services in Civil Litigation: Lawyers' Performances Evaluated by Lawyers

### Presenter

*Shozo OTA*, The University of Tokyo - [Contact Me](#)

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## Toward New Definitions of “Justice:” Jurors, Injury Claimants, California Conservatives and Chinese Immigrants

**Sat, 5/31: 2:45 PM - 4:30 PM**

1742

Roundtable Session

Saturday Session 4

Hilton Minneapolis

Room: Conrad D

This roundtable will explore how emerging definitions of justice and injustice has contributed to-and often determined-legal and legislative change. Two familiar examples of this dynamic are the widespread public activism on behalf of racial equality beginning in the 1960s and, more recently, support for gay rights and same sex marriage. In both cases, landmark legislation and judicial rulings resulted accompanied by significant shifts in public opinion. Often, however, this dynamic attracts little attention. Our roundtable focuses on some less obvious 19th and 20th century manifestations of inequality including the evolution of a national environmental policy, the role of California conservatives in battles against housing and school integration, the exclusion of felons from jury service, and the fate of mass tort claimants and immigrant litigants in California courts.

## **Chair/Discussant**

*Arthur McEvoy*, Southwestern Law School - [Contact Me](#)

## **Participant(s)**

*James Binnall*, UC Irvine School of Law - [Contact Me](#)

*Ariela Gross*, USC Gould School of Law - [Contact Me](#)

*Arthur McEvoy*, Southwestern Law School - [Contact Me](#)

*Molly Selvin*, Southwestern Law School - [Contact Me](#)

## **Keywords**

CITIZENSHIP AND NATION

LAW AND INEQUALITY

## **Roundtable Categories**

Socio-legal Research

## **Issues of Diversity in Civil and Criminal Federal Law Enforcement**

**Sat, 5/31: 4:45 PM - 6:30 PM**

0863

Paper Session

Saturday Session 5

Hilton Minneapolis

Room: Marquette Ballroom VIII

Five experiments examined the role that diversity (i.e., age, gender, mental health, race, and disability) plays in civil, criminal and constitutional law. The papers examined the way diversity influences a variety of decision makers (i.e., jurors, employers, employees, and rental agents) as they evaluate claims about sexual harassment in the workplace, age claims regarding hostile environments, disability claims at work, allegations of hate crimes, and discrimination claims of mentally ill veterans seeking housing. The papers apply psychological theories (i.e., affective forecasting, dehumanization theory, objectification theory, prospect theory, and stereotype content model) to understand the way in which diversity influences decision makers either applying the law or trying to comply with its requirements. The discussant will evaluate the usefulness of an experimental and theoretical approach to identify and understand the effects of inequality in the law.



## **Chair/Discussant**

*Richard Wiener*, University of Nebraska - [Contact Me](#)

## **Keywords**

HUMAN RIGHTS

LAW AND INEQUALITY

## **Presentations**

**Are the ADA and FHA enough Protection for Veterans Facing Housing Discrimination?**

### **Presenter**

*Richard Wiener*, University of Nebraska - [Contact Me](#)

### **Non-Presenting Co-Author**

*Katlyn Farnum*, University of Nebraska-Lincoln - [Contact Me](#)

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**Dehumanization of Older People: The Evaluation of Hostile Environments**

### **Presenter**

*Ena Brnjic*, University of Nebraska - Lincoln - [Contact Me](#)

### **Non-Presenting Co-Author**

*Richard Wiener*, University of Nebraska - [Contact Me](#)

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**Mental Illness Stigma: The Importance of Dangerousness**

### **Presenter**

*Jordan Blenner*, University of Nebraska-Lincoln - [Contact Me](#)

### **Non-Presenting Co-Author**

*Richard Wiener*, University of Nebraska - [Contact Me](#)

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## Objectification within a Hostile Work Environment: The Role of Severity and Perspective

### Presenter

*Katlyn Farnum*, University of Nebraska-Lincoln - [Contact Me](#)

### Non-Presenting Co-Author(s)

*Jill Allen*, University of Minnesota - [Contact Me](#)

*Sarah Gervais*, University of Nebraska-Lincoln - [Contact Me](#)

*Katherine Kimble*, University of Nebraska-Lincoln - [Contact Me](#)

*Richard Wiener*, University of Nebraska - [Contact Me](#)

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## Perceptions of Constitutional Rights and Hate Speech Regulation

### Presenter

*Katherine Kimble*, University of Nebraska-Lincoln - [Contact Me](#)

### Non-Presenting Co-Author

*Richard Wiener*, University of Nebraska - [Contact Me](#)

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